This listing of claims will replace all prior versions and listings of claims in the application:

Listing of Claims:

1-107 (Canceled).

108. (Currently amended) An isolated nucleic acid comprising a gene expression controlling region that comprises a nucleotide sequence having at least ~~75%~~ 90% identity to nucleotides 1115 to 1626 of SEQ ID NO: 1 or its complement.

109. (Canceled)

110. (Currently amended) The isolated nucleic acid of Claim 108 wherein the gene expression controlling region comprises a sequence having at least 95% identity to nucleotides 1115 to 1626 of SEQ ID NO: 1 or its complement.

111. (Currently amended) The isolated nucleic acid of Claim 108 wherein the gene expression controlling region comprises a sequence having at least 99% identity to nucleotides 1115 to 1626 of SEQ ID NO: 1 or its complement.

112. (Currently amended) The isolated nucleic acid of Claim 108 wherein the gene expression controlling region comprises the sequence of nucleotides 1115 to 1626 of SEQ ID NO: 1 or its complement.

113. (Previously presented) The isolated nucleic acid of Claim 108 wherein the gene expression controlling region comprises a sequence having at least 75% identity to SEQ ID NO: 2 or its complement.

114. (Previously presented) The isolated nucleic acid of Claim 108 wherein the gene

expression controlling region comprises a sequence having at least 95% identity to SEQ ID NO: 2 or its complement.

115. (Previously presented) The isolated nucleic acid of Claim 108 wherein the gene expression controlling region comprises a sequence having at least 99% identity to SEQ ID NO: 2 or its complement.

116. (Previously presented) The isolated nucleic acid of Claim 108 wherein the gene expression controlling region comprises the sequence of SEQ ID NO: 2 or its complement.

117. (Currently amended) An isolated nucleic acid comprising a gene expression controlling region comprising a nucleotide sequence that hybridizes under moderate stringency conditions to a nucleic acid molecule having the nucleotide sequence of nucleotides 1115 to 1626 of SEQ ID NO: 1 or its complement.

118. (Previously presented) The isolated nucleic acid of Claim 117 comprising a polyadenylation signal sequence.

119. (Previously presented) The isolated nucleic acid of Claim 118 wherein the polyadenylation signal sequence is an SV40 virus polyadenylation signal sequence.

120. (Previously presented) The isolated nucleic acid of Claim 117 wherein the gene expression controlling region is operably linked to a nucleotide sequence encoding a polypeptide.

121. (Previously presented) The isolated nucleic acid of Claim 120 wherein the nucleotide sequence encoding a polypeptide is codon optimized for protein expression in an avian.

122. (Previously presented) The isolated nucleic acid of Claim 117 comprising an origin of replication.

123. (Previously presented) The isolated nucleic acid of Claim 117 comprising a vector.

124. (Previously presented) The isolated nucleic acid of Claim 123 wherein the vector is a virus.

125. (Previously presented) The isolated nucleic acid of Claim 123 wherein the vector is an expression vector.

126. (Currently amended) A method of expressing a polypeptide in a host cell in culture comprising:

introducing into a eukaryotic cell a gene expression controlling region comprising a nucleotide sequence that hybridizes under moderate stringency conditions to a nucleic acid molecule having the nucleotide sequence of nucleotides 1115 to 1626 of SEQ ID NO: 1 or its complement operably linked to a nucleotide sequence encoding a polypeptide; and

maintaining the eukaryotic cell under conditions suitable for expression of the polypeptide under the control of the gene expression control region.

127. (Previously presented) The eukaryotic cell of Claim 126 wherein the cell is an avian cell.

128. (Previously presented) The eukaryotic cell of Claim 126 wherein the cell is a chicken cell.

129. (Currently amended) An isolated eukaryotic cell comprising an expression vector which includes a gene expression controlling region comprising a nucleotide sequence that hybridizes under moderate stringency conditions to a nucleic acid molecule having the nucleotide sequence of nucleotides 1115 to 1626 of SEQ ID NO: 1 or its complement, operably linked to a nucleotide sequence encoding a polypeptide.

130. (Previously presented) The eukaryotic cell of Claim 129 wherein the cell is an avian

cell.

131. (Previously presented) The eukaryotic cell of Claim 129 wherein the cell is a chicken cell.

132. (Previously presented) The eukaryotic cell of Claim 129 wherein the nucleotide sequence encoding a polypeptide is codon optimized for protein expression in an avian.

133. (currently amended) An isolated nucleic acid comprising a gene expression controlling region comprising a nucleotide sequence having at least ~~75%~~ 90% identity to SEQ ID NO: 2 or its complement.

134. (Canceled)

135. (Previously presented) The isolated nucleic acid of Claim 133 wherein the gene expression controlling region comprises a sequence having at least 95% identity to SEQ ID NO: 2.

136. (Previously presented) The isolated nucleic acid of Claim 133 wherein the gene expression controlling region comprises a sequence having at least 99% identity to SEQ ID NO: 2.

137. (Previously presented) The isolated nucleic acid of Claim 133 wherein the gene expression controlling region comprises the sequence of SEQ ID NO: 2.

138. (Previously presented) An isolated nucleic acid comprising a gene expression controlling region comprising a nucleotide sequence that hybridizes under moderate stringency conditions to a nucleic acid molecule having the nucleotide sequence of SEQ ID NO: 2 or its complement.

139. (Previously presented) The isolated nucleic acid of Claim 138 comprising a nucleotide sequence encoding a polypeptide.

140. (Previously presented) The isolated nucleic acid of Claim 139 wherein the nucleotide sequence encoding a polypeptide is codon optimized for protein expression in an avian.

141. (Previously presented) The isolated nucleic acid of Claim 138 comprising a polyadenylation signal sequence.

142. (Currently amended) The isolated nucleic acid of Claim 141 wherein the polyadenylation signal sequence is ~~derived~~ an SV40 virus polyadenylation signal sequence.

143. (Currently amended) The isolated nucleic acid of Claim 138 wherein the ~~recombinant~~ nucleic acid molecule comprises a vector.

144. (Previously presented) The isolated nucleic acid of Claim 143 wherein the vector is a virus.

145. (Previously presented) The isolated nucleic acid of Claim 143 wherein the vector is an expression vector.

146. (Previously presented) The isolated nucleic acid of Claim 138 comprising an origin of replication.

147. (Previously presented) A method of expressing a polypeptide in an isolated host cell in culture comprising:

introducing into a host cell a gene expression controlling region comprising a nucleotide sequence that hybridizes under moderate stringency conditions to a nucleic acid molecule having the nucleotide sequence of SEQ ID NO: 2 or its complement operably linked to a nucleotide sequence encoding a polypeptide; and

maintaining the host cell under conditions suitable for expression of the polypeptide under the control of the gene expression control region.

148. (Previously presented) A host cell in culture comprising an expression vector which includes a gene expression controlling region comprising a nucleotide sequence that hybridizes under moderate stringency conditions to a nucleic acid molecule having the nucleotide sequence of SEQ ID NO: 2 or its complement, operably linked to a nucleotide sequence encoding a polypeptide.

149. (Previously presented) The host cell of Claim 148 wherein the cell is an avian cell.

150. (Previously presented) The host cell of Claim 148 wherein the cell is a chicken cell.

151. (Previously presented) The host cell of Claim 148 wherein the nucleotide sequence encoding a polypeptide is codon optimized for protein expression in an avian.